

House Bill 1036

By: Representative Cox of the 102nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-9-3 of the Official Code of Georgia Annotated, relating to the
2 discretion of the judge in child custody disputes, so as to change certain provisions relating
3 to a parent's change of residence; to provide for related matters; to provide for an effective
4 date and applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 19-9-3 of the Official Code of Georgia Annotated, relating to the discretion of
8 the judge in child custody disputes, is amended by revising subsection (f) as follows:

9 "(f)(1) In any case in which a judgment awarding the custody of a child has been entered,
10 the court entering such judgment shall retain jurisdiction of the case for the purpose of
11 ordering the custodial parent to notify the court of any changes in the residence of ~~the~~
12 such child.

13 (2) In any case in which visitation rights or parenting time has been provided to the
14 noncustodial parent and the court orders that the custodial parent provide notice of a
15 change in address of the place for pickup and delivery of the child for visitation or
16 parenting time, the custodial parent shall notify the noncustodial parent, in writing, of any
17 change in such address. Such written notification shall provide a street address or other
18 description of the new location for pickup and delivery so that the noncustodial parent
19 may exercise such parent's visitation rights or parenting time.

20 (3) Except where otherwise provided by court order, in any case under this subsection
21 in which a parent changes his or her residence, he or she ~~must~~ shall give notification of
22 such change to the other parent and, if the parent changing residence is the custodial
23 parent, to any other person granted visitation rights or parenting time under this title or
24 a court order. Such notification shall be given at least 30 days prior to the anticipated
25 change of residence and shall include the full address of the new residence.

1 (4)(A) Unless a court order specifically states to the contrary, when a parent who has
2 joint physical custody, sole custody, visitation rights, or parenting time changes such
3 parent's residence to a location that is 50 miles or more away from the residence he or
4 she occupied at the time the last order regarding custody, visitation rights, or parenting
5 time was entered, he or she shall pay all costs associated with the nonmoving parent's
6 exercise of custody, visitation rights, or parenting time until such time as an order is
7 entered which provides for the moving parent's change in residence. Such costs shall
8 include, but are not limited to, transportation and lodging costs associated with the
9 nonmoving parent's exercise of custody, visitation rights, or parenting time. Actual
10 costs of transportation shall be paid when the nonmoving parent travels by public
11 carrier, and a mileage allowance equal to the legal mileage rate established in Code
12 Section 50-19-7 shall be paid when the nonmoving parent travels using his or her own
13 personal motor vehicle.

14 (B) A court which has a modification petition filed pursuant to this paragraph shall
15 expedite a hearing on such matter and in any event shall hear such matter not later than
16 the next term of court."

17 **SECTION 2.**

18 This Act shall become effective on July 1, 2008, and shall apply to all child custody,
19 visitation, and parenting time orders in effect on or after July 1, 2008.

20 **SECTION 3.**

21 All laws and parts of laws in conflict with this Act are repealed.